



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Timothy Witt, Treasurer
Kerry Bentivolio for US Congress
P.O. Box 886
Suite 600
Walled Lake, MI 48390

APR 27 2016

RE: MUR 6622
Kerry Bentivolio for US Congress
and Timothy Witt in his
official capacity as treasurer

Dear Mr. Witt:

On August 9, 2012, the Federal Election Commission (the "Commission") notified Kerry Bentivolio for US Congress (the "Committee") and its treasurer of a complaint, designated as MUR 6622, alleging that the Committee may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to the Committee at that time. In addition, in the normal course of carrying out its supervisory responsibilities, the Commission became aware of information suggesting that the Committee and you in your official capacity as treasurer may have violated the Act, and forwarded to you a copy of RAD Referral RR 14L-18R on October 15, 2014. *See* 52 U.S.C. § 30109(a)(2).

After reviewing the allegations contained in the complaint and other information available to the Commission, the Commission on April 12, 2016, opened a Matter Under Review in RR 14L-18R and merged it with MUR 6622 and found reason to believe that the Committee and you in your official capacity as treasurer violated 52 U.S.C. § 30104(a) and (b) (formerly 2 U.S.C. § 434(a) and (b)), provisions of the Act. With respect to the allegation that the Committee accepted excessive contributions, the Commission found no reason to believe that the Committee and you in your official capacity as treasurer violated 52 U.S.C. § 30116(f) (formerly 2 U.S.C. § 441a(f)). Enclosed is the Factual and Legal Analysis that sets forth the basis for the Commission's determinations.

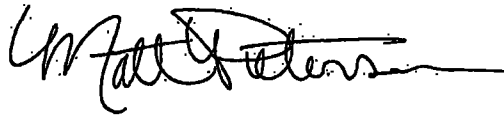
In order to expedite the resolution of this matter, the Commission has authorized the Office of the General Counsel to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. Pre-probable cause conciliation is not mandated by the Act or the Commission's regulations, but is a voluntary step in the enforcement process that the Commission is offering to the Committee as a way to resolve this matter at an early stage and without the need for briefing the issue of whether or not the Commission should find probable cause to believe that the Committee violated the

law.

If the Committee is interested in engaging in pre-probable cause conciliation, please contact Roy Q. Luckett, the attorney assigned to this matter, at (202) 694-1650 or (800) 424-9530, within seven days of receipt of this letter. During conciliation, you may submit any factual or legal materials that you believe are relevant to the resolution of this matter. No action by the Commission or any person and no information derived in connection with any conciliation attempt by the Commission may be made public by the Commission without the written consent of the respondent and the Commission. 52 U.S.C. § 30109(a)(4)(B). The Commission may proceed to the next step in the enforcement process if the Committee is not interested in pre-probable cause conciliation or a mutually acceptable conciliation agreement cannot be reached within 60 days. *See* 52 U.S.C. § 30109(a), 11 C.F.R. Part 111 (Subpart A). Conversely, if you are not interested in pre-probable cause conciliation, the Commission may conduct formal discovery in this matter or proceed to the next step in the enforcement process. Please note that once the Commission enters the next step in the enforcement process, it may decline to engage in further settlement discussions until after making a probable cause finding.

We look forward to your response.

On behalf of the Commission,



Matthew S. Petersen
Chairman

Enclosures
Factual and Legal Analysis

1 **FEDERAL ELECTION COMMISSION**

2
3 **FACTUAL AND LEGAL ANALYSIS**

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5 RESPONDENTS: Kerry Bentivolio for US Congress and MUR: 6622
6 Timothy Witt in his official capacity
7 as treasurer
8 Kerry Bentivolio
9

10 **I. INTRODUCTION**

11 This matter was generated based on information ascertained by the Federal Election
12 Commission ("Commission") in the normal course of carrying out its supervisory
13 responsibilities, and by a complaint filed with the Commission by Paul Welday. *See* 52 U.S.C.
14 § 30109(a)(1) and (a)(2) (formerly 2 U.S.C. § 437g(a)(1) and (a)(2)). Kerry Bentivolio for US
15 Congress ("Committee") was referred for possible enforcement action regarding its apparent
16 omission of \$62,955.44 in disbursements and \$1,588.63 in receipts from its original 2012 April
17 and July Quarterly Reports, including a \$50,000 repayment of a loan from Kerry Bentivolio to
18 the campaign.

19 The reporting of this repayment is also the subject of the Complaint in MUR 6622, which
20 alleges that the Committee failed to justify the \$50,000 payment to the candidate. The
21 Complaint further alleges that Bentivolio and the Committee violated the Federal Election
22 Campaign Act of 1971, as amended (the "Act"), by failing to accurately disclose other
23 contributions and the Committee's cash-on-hand, and by failing to have its treasurer, Bentivolio,
24 sign seven disclosure reports.¹ Additionally, the Complaint alleges that the Committee accepted

¹ The cover letter to the Complaint, written by Complainant's counsel, also refers to the Committee's "failure to comply with disclaimer requirements on messages authorized and/or financed by a candidate." *See* Cover Letter from E. Mark Braden to Daniel Petalas, Associate General Counsel for Enforcement, FEC (Aug. 2, 2012). The attached Complaint, however, does not allege any such violation and there is no information to support it; therefore the Commission does not address this issue further.

1 excessive contributions from Robert J. Dindoffer, Kristin M. Lee, and Young Americans for
2 Liberty Inc.'s Liberty Action Fund (f/k/a Young Americans for Liberty PAC) ("YALFUND").

3 The Committee acknowledges its reporting errors, which it attributes to the inexperience
4 of a campaign staffer. It also explains that the contributions shown on its original reports as
5 excessive were merely reported incorrectly and actually complied with the Act's limits. The
6 Committee has since changed treasurers and corrected its disclosure reports. The Commission
7 has determined to find reason to believe that the Committee violated 52 U.S.C. § 30104(a) and
8 (b) (formerly 2 U.S.C. § 434(a) and (b)) by failing to meet the Act's reporting requirements in
9 various ways, but make no findings against Bentivolio in his personal capacity. Because the
10 available information demonstrates that all of the alleged excessive contributions complied with
11 the Act's limits, the Commission has determined to find no reason to believe that the Committee
12 violated 52 U.S.C. § 30116(f) (formerly 2 U.S.C. § 441a(f)).

13 II. FACTUAL AND LEGAL ANALYSIS

14 A. Alleged Reporting Violations

15 Bentivolio was a candidate for the U.S. House of Representatives from Michigan's 11th
16 Congressional District in 2012.² The Committee is Bentivolio's authorized campaign committee
17 and Timothy Witt is its current treasurer.³

18 The Committee was referred for possible enforcement action regarding its apparent
19 failure to disclose all financial activity on its original 2012 April Quarterly and 2012 July

² Bentivolio won the August 7, 2012, primary election and the September 5, 2012, special primary election to fill the remainder of the term of Rep. Thad McCotter, who resigned his seat. Bentivolio lost the 2012 special election to complete Rep. McCotter's term, but won the 2012 general election for his own two-year term. In the 2014 election cycle, Bentivolio lost the August 5, 2014, primary election.

³ The Committee amended its Statement of Organization on September 13, 2012, to name Witt as treasurer, replacing Bentivolio, the Committee's original treasurer.

Quarterly Reports. The Committee amended these reports on July 15 and July 18, 2012, respectively, reflecting additional disbursements not disclosed in the original reports. On September 12, 2012, the Committee amended both the April and July Quarterly Reports to disclose previously unreported receipts and disbursements. The aggregate amount of additional activity disclosed by the Committee on its amendments is \$64,544.07.

Report	Amount of Increased Receipts	Amount of Increased Disbursements	Total Increased Activity
2012 April Quarterly	N/A	\$50,519.17	\$50,519.17
2012 July Quarterly	\$1,588.63	\$12,436.27	\$14,024.90
			\$64,544.07

The Commission notified the Committee about the Referral on October 15, 2014, and provided it with an opportunity to respond. *See Agency Procedure for Notice to Respondents in Non-Complaint Generated Matters*, 74 Fed. Reg. 38,617 (Aug. 4, 2009). The Committee's Response to the Referral ("Referral Resp.") acknowledges the inaccuracies in the Committee's original filings, but maintains that "the majority of the variance" resulted from its failure to report a March 5, 2012, repayment of a \$50,000 loan Bentivolio made to the Committee, and that there were no undisclosed disbursements to third parties. Referral Resp. at 1 (Nov. 3, 2014).

The Committee's disclosure of loans and repayments is also the subject of the Complaint in MUR 6622. First, the Complaint alleges that the Committee failed to provide required documents regarding a \$57,000 bank loan from Fifth Third Bank, which it disclosed on its original 2012 April Quarterly Report.⁴ Compl. at 4 (Aug. 2, 2012). The Complaint further alleges that this loan "disappear[ed]" from the Committee's Amended 2012 April Quarterly Report (filed July 15, 2012) and there was no information indicating that the loan was repaid. *Id.*

⁴ See 2012 April Quarterly Report at 6, 8, available at <http://docquery.fec.gov/pdf/107/12970934107/12970934107.pdf>.

1 Instead, the amended report disclosed the receipt of \$58,228.13 in contributions from Bentivolio
2 and \$58,113.13 in loans from him.⁵ *Id.* As mentioned above, following receipt of the
3 Complaint, the Committee filed a Second Amended 2012 April Quarterly Report (Sept. 12,
4 2012), which disclosed \$58,083.13 in loans from Bentivolio and only \$115.00 in contributions
5 from him.⁶

6 As to loan repayments, the original 2012 April Quarterly Report disclosed no loan
7 repayments and no payments to Bentivolio for any other purpose, but the Amended 2012 April
8 Quarterly Report (filed July 15, 2012) disclosed a \$50,000 payment to Bentivolio on March 5,
9 2012, as an "Other Disbursement."⁷ The Complaint alleges that the Committee failed to justify
10 this payment to Bentivolio, in that the Committee did not properly identify the disbursement to
11 the candidate as a loan repayment. Compl. at 3. As stated above, the Committee filed a Second
12 Amended 2012 April Quarterly Report (filed Sept. 12, 2012) — after the Complaint's filing —
13 in which it disclosed its \$50,000 payment to Bentivolio on March 5, 2012, as a loan repayment.⁸

14 The Complaint alleges additional reporting violations, including the Committee's failure
15 to carry over and account for its cash-on-hand balance between the Amended 2012 April

⁵ See Amended 2012 April Quarterly Report at 6-7, *available at* <http://docquery.fec.gov/pdf/481/12952492481/12952492481.pdf>. The Complaint concludes that the Committee may have double-counted the monies it received from Bentivolio as both contributions and loans. Compl. at 4-5. The Complaint also alleges that Committee debt to Bentivolio disappeared in its next-filed report — the July Quarterly — without explanation. Compl. at 4. The Committee's Amended 2012 July Quarterly Report (filed July 18, 2012) does not disclose the debts, only new candidate loans from Bentivolio to the Committee on June 19, 25, and 30, 2012, which total \$65,000. See Amended 2012 July Quarterly Report at 14, 20-22, *available at* <http://docquery.fec.gov/pdf/289/12952522289/12952522289.pdf>.

⁶ See Second Amended 2012 April Quarterly Report (Sept. 12, 2012) at 6-7, 11-12, *available at* <http://docquery.fec.gov/pdf/354/12952908354/12952908354.pdf>.

⁷ See Amended 2012 April Quarterly Report (July 15, 2012) at 10, *available at* <http://docquery.fec.gov/pdf/481/12952492481/12952492481.pdf>.

⁸ See Second Amended 2012 April Quarterly Report (Sept. 12, 2012) at 10, *available at* <http://docquery.fec.gov/pdf/354/12952908354/12952908354.pdf>.

1 Quarterly Report and the Amended 2012 July Quarterly Report, and between the Amended 2012
2 July Quarterly Report and the original 2012 Pre-Primary Report.⁹ The Complaint also alleges
3 that the Committee failed to justify a second \$50,000 payment to Bentivolio, on July 5, 2012,
4 which it disclosed on the Committee's original 2012 Pre-Primary Report as a contribution
5 refund.¹⁰ On the Committee's Amended 2012 Pre-Primary Report (Sept. 12, 2012), however, it
6 disclosed the \$50,000 payment to Bentivolio as a loan repayment.¹¹ Finally, the Complaint
7 alleges that the Committee filed multiple reports without the signature of the Committee's
8 treasurer or assistant treasurer. Compl. at 3. At that time, the Committee's Statement of
9 Organization identified Bentivolio as its treasurer and Robert Dindoffer as assistant treasurer, but
10 Deborah ("Debbie") Llewellyn signed all seven of the Committee's reports that pre-dated the

⁹ See Amended 2012 April Quarterly Report (July 15, 2012) at 4 (\$67,100.41 ending cash-on-hand), available at <http://docquery.fec.gov/pdf/481/12952492481/12952492481.pdf>; Amended 2012 July Quarterly Report (July 18, 2012) at 4 (\$0 starting cash-on-hand and \$91,183 ending cash-on-hand), available at <http://docquery.fec.gov/pdf/289/12952522289/12952522289.pdf>; 2012 Pre-Primary Report (July 26, 2012) at 4 (\$0 starting cash-on-hand), available at <http://docquery.fec.gov/pdf/656/12952598656/12952598656.pdf>.

¹⁰ See 2012 Pre-Primary Report at 4, available at <http://docquery.fec.gov/pdf/656/12952598656/12952598656.pdf>.

¹¹ See Amended 2012 Pre-Primary Report at 12, available at <http://docquery.fec.gov/pdf/897/12972179897/12972179897.pdf>.

1 Complaint.¹² *Id.*

2 The Committee's Response to the Complaint asserts that most of the disclosure errors
3 were "mainly input errors resulting from inexperience with the FEC software." Committee
4 Resp. at 3 (Sept. 14, 2012). Regarding the alleged unjustified payments to Bentivolio, the
5 Committee explains that the \$100,000 in payments constituted loan repayments to him. *Id.* at 2.
6 Specifically, Bentivolio loaned over \$58,000 to his campaign in January 2012, and the
7 Committee repaid him \$50,000 in March 2012.¹³ *Id.* The Committee also asserts that Bentivolio
8 again loaned the Committee over \$50,000 in June 2012, and the Committee repaid him \$50,000
9 in July 2012. *Id.* The Committee acknowledges that it erred by disclosing the first candidate
10 loan as a loan from Fifth Third Bank. *Id.*

11 The Committee further admits that Llewellyn signed and filed a number of its reports,
12 and that it never filed an amended Statement of Organization naming her as treasurer or assistant
13 treasurer. Committee Resp. at 1. The Committee also suggests that the remainder of the errors

¹² See 2012 April Quarterly Report at 1 (signed Deborah Llewellyn), available at <http://docquery.fec.gov/pdf/107/12970934107/12970934107.pdf>; Amended 2012 April Quarterly Report at 1 (signed Deborah Llewellyn), available at <http://docquery.fec.gov/pdf/481/12952492481/12952492481.pdf>; 2012 July Quarterly Report at 1 (signed Debbie Llewellyn), available at <http://docquery.fec.gov/pdf/779/12971461779/12971461779.pdf>; Amended 2012 July Quarterly Report at 1 (signed Debbie Llewellyn), available at <http://docquery.fec.gov/pdf/289/12952522289/12952522289.pdf>; 2012 Pre-Primary Report at 1 (signed Deborah Llewellyn), available at <http://docquery.fec.gov/pdf/656/12952598656/12952598656.pdf>; 48 Hour Notice of Contributions/Loans Received (July 23, 2012) (signed Llewellyn Deborah) available at <http://docquery.fec.gov/pdf/006/12971832006/12971832006.pdf>; 48 Hour Notice of Contributions/Loans Received (July 26, 2012) (signed Llewellyn Deborah) available at <http://docquery.fec.gov/pdf/639/12971834639/12971834639.pdf>; 48 Hour Notice of Contributions/Loans Received (July 30, 2012) (signed Llewellyn Deborah) available at <http://docquery.fec.gov/pdf/158/12971836158/12971836158.pdf>; and 48 Hour Notice of Contributions/Loans Received (Aug. 2, 2012) (signed Llewellyn Deborah) available at <http://docquery.fec.gov/pdf/414/12971839414/12971839414.pdf>.

¹³ After the MUR 6622 Complaint was filed, Bentivolio met with OGC Staff to discuss a possible *sua sponte* submission and provide additional details regarding the \$100,000 the Committee paid Bentivolio as outlined in the Complaint. During that meeting, Bentivolio explained that he used the proceeds from two separate sales of his reindeer business — he repurchased the business after the first sale at the same price — to fund \$80,000 of the \$100,000 he loaned to his Committee (the remaining \$20,000 came from Bentivolio's other funds). To date, Bentivolio has not filed a *sua sponte* submission. The Commission makes no recommendations regarding the propriety of the underlying sales and purchases of the business.

1 outlined in the Complaint resulted from Llewellyn's failure to use the same file for all reports,
2 which "led to the data not being auto-populated." *Id.* at 2-3. This oversight caused errors in the
3 Committee's cumulative reporting of cash-on-hand, "Election Cycle-to-Date" activity, and debt
4 information. *Id.* The Response also acknowledges that Llewellyn erroneously recorded loans
5 from the candidate as both loans and contributions (on Schedule A), adding that "[s]he was
6 attempting to record most of the listed receipts as loans from the candidate to the committee but
7 obviously failed to record them properly." *Id.* at 3.

8 On or about September 12, 2012, the Committee filed an amended Statement of
9 Organization to name Witt as treasurer, and Witt filed amendments to the Committee's 2012
10 April Quarterly, 2012 July Quarterly, and 2012 Pre-Primary Reports to correct the errors
11 identified in the Complaint.¹⁴ Committee Resp. at 3. On December 26, 2012, Witt filed a
12 Miscellaneous Document ("Form 99") on behalf of the Committee stating that since becoming
13 treasurer, he has instituted procedures to ensure that the Committee's reports fully disclose
14 receipts and disbursements.

15 The Act requires committee treasurers to file reports of receipts and disbursements in
16 accordance with the provisions of 52 U.S.C. § 30104 (formerly 2 U.S.C. § 434). 52 U.S.C.
17 § 30104(a)(1) (formerly 2 U.S.C. § 434(a)(1)); 11 C.F.R. § 104.1(a). These reports must include,
18 *inter alia*, the total amount of receipts and disbursements, including the appropriate itemizations,
19 where required. 52 U.S.C. § 30104(b) (formerly 2 U.S.C. § 434(b)); 11 C.F.R. § 104.3.
20 Treasurers are responsible for the accuracy of the information contained in committee disclosure

¹⁴ See Second Amended 2012 April Quarterly Report (Sept. 12, 2012), *available at* <http://docquery.fec.gov/pdf/354/12952908354/12952908354.pdf>; Second Amended 2012 July Quarterly Report (Sept. 12, 2012), *available at* <http://docquery.fec.gov/pdf/354/12952908354/12952908354.pdf>; and Amended 2012 Pre-Primary Report (Sept. 12, 2012), *available at* <http://docquery.fec.gov/pdf/897/12972179897/12972179897.pdf>.

1 reports, as well as the timely complete filing of those reports. 11 C.F.R. § 104.14(d). Treasurers
2 must also sign each disclosure report. 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a));
3 11 C.F.R. §§ 104.1(a), 104.14(a). In addition to complete and accurate disclosure of receipts and
4 disbursements, the Act also requires accurate disclosure of the amount of cash-on-hand at the
5 beginning and end of the reporting period. 52 U.S.C. § 30104(b)(1) (formerly 2 U.S.C.
6 § 434(b)(1)); 11 C.F.R. § 104.3(a)(1). The Act and Commission regulations further require
7 political committees to continuously report the amount and nature of their outstanding debts until
8 those debts are extinguished. 52 U.S.C. § 30104(b)(8) (formerly 2 U.S.C. § 434(b)(8));
9 11 C.F.R. §§ 104.3(d), 104.11(a).

10 The Committee did not comply with the Act's reporting requirements in several ways.

11 As noted in the Referral, it failed to disclose an aggregate of \$64,544.07 in receipts and
12 disbursements on its original 2012 April and July Quarterly Reports filed with the Commission.
13 The Committee also misreported information regarding candidate loans: it inaccurately
14 identified a bank as the lender, and it omitted debts and loan repayments from one report to the
15 next. The Committee also concedes that it double-counted loan receipts and failed to carry over
16 and account for cash-on-hand, and did not accurately disclose the cumulative election cycle-to-
17 date amounts of its receipts and disbursements. As a result of these reporting errors, the
18 Committee inaccurately reported its cash-on-hand for the period covered by its 2012 April
19 Quarterly Report through the Committee's September 12, 2012, amendments, which included the
20 cash-on-hand information on the Committee's 2012 July Quarterly and Pre-Primary Reports.
21 Further, the Committee acknowledges that someone other than its treasurer signed its disclosure
22 reports.

1 Accordingly, the Commission has determined to find reason to believe that the
2 Committee violated 52 U.S.C. § 30104(a) and (b) (formerly 2 U.S.C. § 434(a) and (b)) by filing
3 reports without the signature of the treasurer and by failing to accurately disclose its receipts,
4 disbursements, debts, and cash-on-hand information.

5 As for Bentivolio, at the time of the apparent reporting violations he was the Committee's
6 treasurer of record. Accordingly, he was responsible for signing and filing accurate disclosure
7 reports. *See* 52 U.S.C. § 30104(a)(1) (formerly 2 U.S.C. § 434(a)(1)); *Statement of Policy*
8 *Regarding Treasurers Subject to Enforcement Proceedings*, 70 Fed. Reg. 3, 5 (Jan. 3, 2005)
9 ("*Treasurer Policy*"). Although Bentivolio failed to sign the Committee's reports and those
10 reports contained erroneous information, the available information regarding his conduct does
11 not appear to merit making personal-capacity findings against him in connection with his service
12 as treasurer. *See Treasurer Policy*, 70 Fed. Reg. at 5 (Commission makes personal-capacity
13 findings against a treasurer only when the treasurer had knowledge that his conduct violated a
14 duty imposed by law, or that he recklessly failed to fulfill his duties under the Act and
15 regulations or intentionally deprived himself of facts giving rise to the violations). Further,
16 although Bentivolio loaned the monies and received the repayments that are the central focus of
17 the apparent reporting violations, the available information does not suggest that he otherwise
18 violated the Act in connection with these funds. Therefore, the Commission has determined to
19 dismiss the allegation that Kerry Bentivolio violated the Act.

20 **B. Alleged Excessive Contributions**

21 The Act prohibits any person from making contributions to any candidate and the
22 candidate's authorized political committee in excess of the limits at 52 U.S.C. § 30116(a)
23 (formerly 2 U.S.C. § 441a(a)), and candidate committees are prohibited from knowingly

1 accepting excessive contributions. 52 U.S.C. § 30116(f) (formerly 2 U.S.C. § 441a(f)). For the
2 2011-2012 election cycle, individuals were permitted to contribute a maximum of \$2,500 to a
3 candidate or candidate committee per election. 52 U.S.C. § 30116(a)(1)(A) (formerly 2 U.S.C.
4 § 441a(a)(1)(A)). Under the Act, multicandidate committees may make contributions to
5 candidates up to \$5,000 per election. 52 U.S.C. § 30116(a)(2)(A) (formerly 2 U.S.C.
6 § 441a(a)(2)(A)).

7 The Complaint alleges that the Committee received three contributions in excess of the
8 \$2,500 limit: (1) \$3,000 from Robert J. Dindoffer; (2) \$5,000 from Kristin M. Lee; and
9 (3) \$5,250 from YALFUND, a multicandidate committee. Compl. at 3-4. The Committee
10 denies these allegations, and the available information indicates that each of these contributions
11 complied with the limits but appeared excessive because the Committee misreported them.
12 Specifically, the Committee failed to properly attribute the Dindoffer contributions between the
13 special primary election and the primary election;¹⁵ misreported a \$500 contribution from Lee as
14 \$5,000;¹⁶ and failed to properly attribute three contributions earmarked for Bentivolio by the

¹⁵ The Committee asserts that Dindoffer's contributions were partially designated to the general election and partially designated to the primary election. Committee Resp. at 2. Dindoffer states in his response to the Complaint that he initially intended that the contributions would be attributed partly for the regular primary and partly for the regular general election. Dindoffer Resp. at 1 (Sept. 21, 2012). After a special election was called, however, he "requested that the portion attributed to the regular general election be re-attributed to the special primary." *Id.* The Committee amended its 2012 July Quarterly Report to correct this error. The Committee's Second Amended 2012 July Quarterly Report, filed on September 12, 2012, discloses four Dindoffer contributions: (1) \$2,500 on June 3 designated for the 2012 primary election; (2) \$500 on June 14 designated for the 2012 special primary election; (3) \$2,500 on June 18 designated for the 2012 primary election; and (4) a \$515.57 in-kind contribution on June 20 designated for the 2012 special primary election. *See* Second Amended 2012 July Quarterly Report at 7-8, available at <http://docquery.fec.gov/pdf/354/12952908354/12952908354.pdf>. On June 13, 2012, the Committee refunded the first \$2,500 contribution. *Id.* at 21.

¹⁶ The Committee and Lee both maintain that she contributed \$500, not \$5,000. Committee Resp. at 2; Lee Resp. (Aug. 27, 2012). The Committee adds that the discrepancy was the result of a typographical error. Committee Resp. at 2. Lee also attached a copy of the receipt from the Committee recognizing the \$500 contribution and a credit card statement for verification. Lee Resp. The Committee's Second Amended 2012 July Quarterly Report, filed on September 12, 2012, reflects the \$500 contribution. *See* Second Amended 2012 July Quarterly Report at 10, available at <http://docquery.fec.gov/pdf/354/12952908354/12952908354.pdf>.

1 individual contributors, instead attributing the contributions to YALFUND, the entity that was
2 merely acting as a conduit.¹⁷ Because the available information shows that the three contributors
3 did not make excessive contributions, only that the Committee misreported them as such, the
4 Commission has determined to find no reason to believe the Committee violated 52 U.S.C.
5 § 30116(f) (formerly 2 U.S.C. § 441a(f)). The Commission has also determined that the
6 Committee further violated 52 U.S.C. § 30104(b) (formerly 2 U.S.C. § 434(b)) by misreporting
7 the three contributions.

¹⁷ Committee Resp. at 2; YALFUND Resp. at 2 (Oct. 15, 2012). Specifically, on June 14, 2012, YALFUND forwarded to the Committee three earmarked contributions that totaled \$5,250: Cyan Banister \$2,500; Scott Banister \$2,500; and William Lawson \$250. YALFUND Resp. at 2. The Committee's Third Amended 2012 July Quarterly Report, filed on December 26, 2012, described the YALFUND \$5,250 amount as the "[t]otal earmarked through conduit. PAC limit not affected," and listed the three individual contributions as memo entries. See Third Amended 2012 July Quarterly Report (Dec. 26, 2012) at 13, *available at* <http://docquery.fec.gov/pdf/237/12963868237/12963868237.pdf>. See 52 U.S.C. § 30116(a)(8) (formerly 2 U.S.C. § 441a(a)(8)); 11 C.F.R. § 110.6(c)(2).